

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David J. LADD	Conf. No.:	8370
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For:	SYSTEM AND METHOD FOR TRANSMISSION AND DELIVERY OF TRAVEL INSTRUCTIONS TO INFORMATIONAL APPLIANCES		

**SECOND AMENDED SUPPLEMENTAL BRIEF  
ON APPEAL UNDER 37 C.F.R. § 41.37**

MS Appeal Brief - Patents  
Commissioner for Patents  
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Sir:

On May 31, 2006, Appellant filed a Brief on Appeal Under 37 C.F.R. §41.37. In response to the original Appeal Brief, the August 25, 2006 Office Action reopened prosecution and revised the grounds of rejection by eliminating one of the two previously cited references and arguing that the pending claims are unpatentable over only one of the previously cited references. In response to the Office Action dated August 25, 2006, Appellant on November 20, 2006 requested reinstatement of the Appeal by filing a Supplemental Brief on Appeal Under 37 C.F.R. §41.37. On December 15, 2006, an Office Action was issued advising Appellant that the Supplemental Brief was defective, because the summary of the claimed subject matter fails to map each independent claim to the specification by page and line number and to the drawings. On January 10, 2007, Appellant filed an Amended Supplemental Brief on Appeal Under 37 C.F.R. §41.37 in order to overcome the

shortcomings noted in the December 15, 2006 Office Action. On May 21, 2007, an Office Action was issued alleging that the table included in the Amended Supplemental Brief was confusing. Accordingly, this Second Amended Supplemental Brief on Appeal Under 37 C.F.R. §41.37 is being filed.

The fees required under § 41.20(b)(2) were previously paid with the originally filed Brief.

This brief contains items under the following headings as required by C.F.R. § 41.37 and M.P.E.P. § 1206:

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims
- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
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**I. Real Party in Interest**

The real party in interest for this Application is Avaya Technology Corp., as evidenced by an Assignment recorded on March 21, 2002 at Reel 012707, Frame 0562.

**II. Related Appeals and Interferences**

To the best of Appellant's knowledge, there are no other prior or pending appeals of this Application, or patent interference proceedings, or judicial

proceedings which may be related to, directly affect, or be directly affected by, or have a bearing on the Board's decision of this Appeal.

### **III. Status of Claims**

In the Application on appeal, claims 12-16, 27-30, 35-39 and 42-59 are pending. Claims 12, 27, 36, 44, 49 and 55 are independent. Claims 12-16, 27-30, 35-39 and 42-59 are rejected and are on appeal.

### **IV. Status of Amendments**

The Amendment filed on September 16, 2005, has been entered (as stated in item 1 on page 2 of the Final Office Action mailed on December 1, 2005).

### **V. Summary of the Claimed Subject Matter**

To gain a full appreciation of the claimed subject matter it is important to understand the background art and context in which the invention is employed. The entire "Background of the Invention" section of the present application is reproduced immediately below, with emphasis added to certain sections thereof.

An individual often needs information at times when it is difficult or impossible to access or **when the individual is not in a position to record the information**. For example, a driver in his car may become lost and need driving directions, or be traveling in an unfamiliar area. Many paper maps do not have sufficient detail for point-to-point navigation. Further, even if the driver contacts a person with needed directions, **the driver would have to record such directions manually or rely on his memory**, either of which can be difficult when the directions are complex. In addition, there is no assurance that the directions are accurate.

Accordingly, it would be beneficial to provide a system and method for **delivering** accurate **driving directions to a user's pager or Person Communication System ("PCS") digital phone messenger or voice mail system** upon request of the user.

The specification makes it clear that it is often difficult for an individual to “record” information, such as driving directions, while they are driving. Heretofore, the driver, receiving driving directions while driving, either had to record the driving directions or “rely on his own memory.” Either task is difficult when the driving directions are complex. Therefore, the present invention provided that requested driving directions would be sent to the user’s “phone messenger or voice mail system.”

The present invention offers a real, substantial and patentable advantage over the state of the art, in that the user no longer needs to record (e.g. transcribe the directions to paper) while driving (a dangerous situation) or memorize the driving directions (often impossible when the directions are complex). Rather by the present invention, the driving directions are stored in the user’s voice mailbox, and the user can easily call that voice mailbox (often by pressing a single button on their cell phone or a simple voice command) and retrieve the driving directions whenever, and as often as, needed during the course of the trip.

For example, in a long journey from Washington D.C. to Niagara Falls, the user could access driving directions sent to their voice, mailbox and need only remember the first portion, or leg, of the driving directions, such as “merge north onto Interstate 81 from west bound Interstate 66.” After, the transition from 166 to 181 is completed, the user would again call their voice mailbox and need only remember the next leg of the journey, such as take exit 262 onto west bound 221, and so forth. By the present invention, there is no need on the part of the user to write down the long list of driving directions recorded in their voice mailbox the first time they access the driving directions. Further, there is no need to memorize a long list of driving directions,

since the voice mail message containing the driving directions is stored in the user's personal voice mail system and can be quickly and easily accessed at the convenience of the user multiple times.

Each of the independent claims 12, 27, 36, 44, 49, and 55 includes related recitations, which distinguish over the prior art of record, as argued below. The six independent claims also include a number of additional claim features some of which are common claim features.

The claim features of all the independent claims will now be mapped to representative support in the specification including a corresponding page number and line number, and if appropriate representative support in the drawings.

Claim 12 recites a method for communicating with a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, Ins. 16-17; pg. 2, In 12) comprising the steps of: receiving (Fig. 1, Ref. No. 26; Pg. 4, In. 3; Pg. 4, In. 8) an information request (Fig. 3, Ref. No. 204; Pg. 1, In. 15-16; pg. 3, In. 5) and voice mailbox identification information (Pg. 2, In. 8), in the form of a telephone number (Pg. 8, In. 1; Pg. 13, In. 13) corresponding to the user's voice mail system (Fig. 4, Ref. No. 52; Pg. 13, Ins. 8, 13), from a wireless portable unit (Fig. 1, Ref. No. 24; Pg. 1, In. 16; pg. 3, In 17); accessing an informational database (Fig. 1, Ref. No. 38; Pg. 2, In. 9) with said information request; receiving from the informational database (Fig. 1, Ref. No. 38; Pg. 2, In. 9), text format information (Pg. 3, In. 21) in response to said information request; processing said text format information with a text-to-voice processor (Pg. 4, In. 5; Pg. 8, In. 13) to generate an audio representation (Pg. 2, In. 11) of said text format information (Pg. 3, In. 21); and transmitting (Fig. 1, Ref. No. 20; Pg. 3, In. 19) said audio representation (Pg. 2, In. 11) to a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, Ins. 16-17; pg. 2, In 12)

identified by said voice mailbox identification information (Pg. 2, ln. 8), wherein the voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, lns. 16-17; pg. 2, ln 12) is remote from the wireless portable unit (Fig. 1, Ref. No. 24; Pg. 1, ln. 16; pg. 3, ln 17).

Claim 27 recites a system for communicating with a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, lns. 16-17; pg. 2, ln 12) comprising: a call center (Fig. 1, Ref. No. 100; Pg. 4, ln. 3; Pg. 8, ln. 10) accepting (Fig. 1, Ref. No. 26; Pg. 4, ln. 3; Pg. 4, ln. 8) an information request and voice mailbox identification information (Pg. 2, ln. 8), in the form of a telephone number (Pg. 8, ln. 1; Pg. 13, ln. 13) corresponding to the user's voice mail system (Fig. 4, Ref. No. 52; Pg. 13, lns. 8, 13), from a wireless portable unit (Fig. 1, Ref. No. 24; Pg. 1, ln. 16; pg. 3, ln 17); an interface (Fig. 1, Ref. No. 12; Pg. 4, lns. 13-19) for transmitting (Fig. 1, Ref. No. 20; Pg. 3, ln. 19) the information request to an informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9) and for receiving responsive information back from the informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9); a text-to-voice processor (Pg. 4, ln. 5; Pg. 8, ln. 13) receiving said responsive information in a text format (Pg. 3, ln. 21) and providing responsive information in a voice format (Pg. 13, ln. 15); and a transmitter (Fig. 1, Ref. No. 20; Pg. 3, ln. 19) for providing said responsive information in the voice format (Pg. 13, ln. 15) to a voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, lns. 16-17; pg. 2, ln 12) is remote from the wireless portable unit (Fig. 1, Ref. No. 24; Pg. 1, ln. 16; pg. 3, ln 17).

Claim 36 recites a method of operating a travel directions information service (Fig. 3; Pg. 12, lns. 12-14) comprising the steps of: receiving (Fig. 1, Ref. No. 26; Pg. 4, ln. 3; Pg. 4, ln. 8) a voice call from a person (Pg. 3, ln. 17) desiring travel directions; having a call taker manually enter first information (Pg. 3, lns. 19-21; pg.

4, ln 6-7) (Pg. 2, ln. 8) into a computer program (Pg. 4, lns. 13-19) based upon verbal communications from the person calling (Pg. 8, ln. 6); accessing an informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9) using at least a portion of the first information (Pg. 2, ln. 8); receiving second information (Pg. 2, ln. 9-10) from the informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9); and transmitting (Fig. 1, Ref. No. 20; Pg. 3, ln. 19) the second information to a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, lns. 16-17; pg. 2, ln 12) corresponding to a telephone number (Pg. 8, ln. 1; Pg. 13, ln. 13) of a voice mail system (Fig. 4, Ref. No. 52; Pg. 13, lns. 8, 13) associated with the person desiring travel directions.

Claim 44 recites a system for providing travel directions information (Fig. 3; Pg. 12, lns. 12-14) comprising: a telephone to receive (Fig. 1, Ref. No. 26; Pg. 4, ln. 3; Pg. 4, ln. 8) a voice call from a person (Pg. 3, ln. 17) desiring travel directions; a data processing device (Fig. 1, Ref. No. 100; Pg. 4, ln. 3) for allowing a call taker operating the telephone to manually enter first information (Pg. 3, lns. 19-21; pg. 4, ln 6-7) (Pg. 2, ln. 8) based upon verbal communications from the person calling (Pg. 8, ln. 6); a computer program (Pg. 4, lns. 13-19) for receiving the first information (Pg. 2, ln. 8); an interface (Fig. 1, Ref. No. 12; Pg. 4, lns. 13-19), controlled by the computer program (Pg. 4, lns. 13-19), to send a query to an informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9) using at least a portion of the first information (Pg. 2, ln. 8) and to receive second information (Pg. 2, ln. 9-10) from the informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9); and a transmitter (Fig. 1, Ref. No. 20; Pg. 3, ln. 19) to send the second information to a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, lns. 16-17; pg. 2, ln 12) corresponding to a telephone number (Pg. 8, ln. 1; Pg. 13, ln. 13) of a voice mail system (Fig. 4, Ref. No. 52; Pg. 13, lns. 8, 13) associated with the

person desiring travel directions.

Claim 49 recites a method of operating a travel directions information service (Fig. 3; Pg. 12, Ins. 12-14) comprising the steps of: receiving (Fig. 1, Ref. No. 26; Pg. 4, ln. 3; Pg. 4, ln. 8) first voice information from a person (Pg. 3, ln. 17) (Pg. 8, ln. 6) desiring travel directions; converting the first voice information into first text information using a voice-to-text processor (Pg. 4, ln. 5; Pg. 8, ln. 13); accessing an informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9) using at least a portion of the first text information; receiving second text information (Pg. 2, ln. 9-10) from the informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9); converting the second text information into second voice information using a text-to-voice processor (Pg. 4, ln. 5; Pg. 8, ln. 13); and transmitting (Fig. 1, Ref. No. 20; Pg. 3, ln. 19) the second voice information to a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, Ins. 16-17; pg. 2, ln 12) corresponding to a telephone number (Pg. 8, ln. 1; Pg. 13, ln. 13) of a voice mail system (Fig. 4, Ref. No. 52; Pg. 13, Ins. 8, 13) associated with the person desiring travel directions.

Claim 55 recites a system for providing travel directions information (Fig. 3; Pg. 12, Ins. 12-14) comprising: a telephone answering device (Pg. 8 , Ins. 7-10) to receive a voice call from a person (Pg. 3, ln. 17) (Pg. 8, ln. 6)desiring travel directions; a voice-to-text processor (Pg. 4, ln. 5; Pg. 8, ln. 13) to convert first voice information, stated by the person desiring travel directions, into first text information; a computer program (Pg. 4, Ins. 13-19) for receiving the first text information; an interface (Fig. 1, Ref. No. 12; Pg. 4, Ins. 13-19), controlled by the computer program, to send a query to an informational database (Fig. 1, Ref. No. 38; Pg. 2, ln. 9) using at least a portion of the first text information and to receive (Fig. 1, Ref. No. 26; Pg. 4,



In. 3; Pg. 4, In. 8) second text information from the informational database (Fig. 1, Ref. No. 38; Pg. 2, In. 9); a text-to-voice processor (Pg. 4, In. 5; Pg. 8, In. 13) to convert the second text information into second voice information; and a transmitter (Fig. 1, Ref. No. 20; Pg. 3, In. 19) to send the second voice information to a voice mailbox (Fig. 4, Ref. No. 52; Pg. 1, Ins. 16-17; pg. 2, In 12) corresponding to a telephone number (Pg. 8, In. 1; Pg. 13, In. 13) of a voice mail system (Fig. 4, Ref. No. 52; Pg. 13, Ins. 8, 13) associated with the person desiring travel directions.

#### **VI. Grounds of Rejection to be Reviewed on Appeal**

In the Office Action dated December 1, 2005, claims 12-16, 27-30 and 35-59 stood rejected under 36 USC 103(a) as being unpatentable over Bruce et al. (U.S. Patent 6,765,998, hereinafter referred to as "Bruce") in view of Barber et al. (U.S. Patent 6,088,435, hereinafter referred to as "Barber"). This final rejection was appealed on May 31, 2006. The Office Action dated August 25, 2006 reopened prosecution and revised the grounds of rejection by eliminating the previously cited Barber reference and arguing that the pending claims are unpatentable over only the previously cited Bruce reference. Appellant requests reinstatement of the appeal, and consideration of this Supplemental Brief which is a replacement for the previously filed Brief dated May 31, 2006.

Appellant has noticed an apparent inconsistency in the August 25, 2006 Office Action with respect to claim 44. Page 3, section 4 describes claim 44 as being unpatentable over only the Bruce reference, but the reasoning described on page 9, line 9 relies upon the Barber reference. Since the remaining independent claims are rejected only on the basis of the Bruce reference, Appellant has assumed that this is

a mistake, and that claim 44, like all the other independent claims, has been rejected solely over the Bruce reference. If it is not a mistake and the Examiner intends to reject claim 44 over the combination of Bruce and Barber, then the Appellant adopts and reasserts the arguments made with respect to claim 44 in the original May 31, 2006 Appeal Brief.

According to the August 25, 2006 Office Action, Bruce completely discloses all aspects of the claimed invention, except "Bruce is silent regarding: transmitting said audio representation to voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable device." This rationale appears several times in the Office Action on page 4, line 7; page 6, line 3; page 7, line 12; and page 10, line 8. Appellant believes that the Examiner may have intended to assert this reasoning at page 9, line 8 in connection with claim 44, but instead the Examiner inserted the reasoning in the previous Office Action which relies on the Barber reference.

According to the Examiner, this deficiency of Bruce is remedied by the Bruce's suggestion that the caller may receive the driving or route instructions in a variety of different ways. The route instructions can be communicated directly over the telephone from an interactive voice response system, a live operator, a synthesized voice, a voice mail message, and Internet electronic mail, an alpha/numeric pager or telephone or a Personal Digital Assistant ("PDA") (see col. 3, lines 30-45). This reasoning is repeated in the Office Action beginning on page 4, line 11; page 6, line 7; page 7, line 16; and page 10, line 12. Appellant believes that the Examiner may have intended to assert the same reasoning at page 9, line 9.

## **VII. Argument**

In rejecting claims under 35 U.S.C. §103, it is incumbent on the Examiner to establish a factual basis to support the legal conclusion of obviousness. See, In re Fine, 837 F.2d 1071, 1073; 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). In so doing, the Examiner is expected to make the factual determinations set forth in Graham v. John Deere Co., 383 U.S. 1, 17; 148 USPQ 459, 467 (1966), and to provide a reason why one of ordinary skill in the pertinent art would have been led to modify the prior art or to combine prior art references to arrive at the claimed invention.

Such reason must stem from some teaching, suggestion or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. Uniroyal Inc. v. F-Wiley Corp., 837 F.2d 1044, 1051, 5 USPQ2d 1434, 1438 (Fed. Cir. 1988), cert. denied, 488 U.S. 825 (1988); Ashland Oil, Inc. v. Delta Resins & Refractories, Inc., 776 F.2d 281, 293, 227 USPQ 657, 664 (Fed. Cir. 1985), cert. denied, 475 U.S. 1017 (1986); ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 The Examiner may not pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve Inc., 796 F.2d 443, 448, 230 USPQ 416, 419 (Fed. Cir. 1986), cert. denied, 484 U.S. 823 (1987) and In re Kamm, 452 F.2d 1052, 1057, 172 USPQ 298, 301-2 (CCPA 1972), and obviousness cannot be established by locating references which describe various aspects of Appellants' invention without also providing evidence of the motivating force which would impel one skilled in the art to do what Appellants have done. Ex parte Levengood, 28 USPQ2d 1300, 1302 (Bd.

App. & Int. 1993). These showings by the Examiner are an essential part of complying with the burden of presenting a *prima facie* case of obviousness. These showings must be clear and particular, and broad conclusory statements about the teaching of multiple references, standing alone, are not "evidence." See In re Dembiczak, 175 F.3d 994 at 1000, 50 USPQ2d 1614 at 1617 (Fed. Cir. 1999). Note, In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1783-84 (Fed. Cir. 1992). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be suggested or taught by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1970). All words in a claim must be considered in judging the patentability of that claim against the prior art. In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Moreover, a factual inquiry whether to modify a reference must be based on objective evidence of record, not merely conclusory statements of the Examiner. See, In re Lee, 277 F.3d 1338, 1343, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002).

If the Examiner is rejecting claim 44 based upon the combination of Bruce and Barber, Appellant contends that contrary to the Examiner's assertion, Barber is not in an analogous art to Bruce or the present invention. Bruce does indeed concern providing travel directions to a user. Barber deals with "establishing calls between parties who have a similar interest but do not know the identity or telephone number of the other party." See col. 1, lines 23-25. The common interests may be history, woodworking, hobbies, favorite sports, areas of business or technical expertise,

religion, politics, etc. See col. 1, lines 50-51 and col. 3, lines 25-27. It is Appellant's position that Barber is akin to the public free forum art, like an Internet chat room, whereas Bruce and the present invention are akin to the professional information services art, like directory assistance. It is respectfully asserted that it would not have been obvious to one of ordinary skill in the art to have combined references which are diverse in technology fields. Even if combinable, it is respectfully asserted that the combination of Bruce and Barber fails to show or suggest the invention as claimed in independent claims 44.

**The Rejection of Claims 12, 27, 36, 44, 49 and 55 in view of Bruce**

Bruce fails to show or suggest a method or apparatus, as claimed. Bruce does not send driving directions to a voice mailbox corresponding to a telephone number of a voice mail system associated with the person desiring travel directions. Rather, Bruce creates a temporary "voice mail message," which can be played, paused, rewind, etc. to make it easier for the person desiring travel directions to write the travel directions down on paper. Hence, the Bruce system could lead to the dangerous situation of a person driving while listening to directions on a cell phone and writing those directions down on paper.

Bruce is addressing a specific problem in the background art. In col. 1, line 66 through col. 2, line 4, Bruce states:

[T]he retrieval of driving directions over the telephone requires a live operator to relay the driving instructions to the caller. *The **caller must transcribe each sequence of the driving directions** while the operator waits on the telephone, thus **reducing the productivity of the operator.***

Bruce's solution and contribution to the art is not to relieve the caller from the

dangerous transcription process, but rather to relieve the operator from the costly wait on the line, while the caller transcribes the driving directions. In col. 15, lines 3 1-34, Bruce states:

[An] interactive user interface also improves the productivity of the operator console by allowing the operator to pass the caller off to the interactive user interface and move on to handle the next caller.

Hence, Bruce provides a temporary “voice mail message,” referred to as an “interactive user interface,” and described in particular detail in cols. 10-14, which supplies the driving directions to the user. The interactive interface allows the user to stop, start, pause, review and skip through step-by-step instructions “such that **the user can listen and record** the instructions or listen and pause the instructions while they are actually driving the route.” See col. 3, lines 11-13.

Of course, if the instructions were for a trip requiring several turns or an extended time (more than a few minutes), the user **must** remember or record the directions, i.e. transcribe the directions onto a piece of paper. Since the pause feature of the interface lasts only a few seconds (col. 11, line 36), it would not be possible, feasible or cost effective to hold the voice mail “open” for hours on end. If the directions were for a short trip/time (less than a few minutes), the user could continually use the pause command and be able to drive while listening to the directions.

There is no showing or suggestion in Bruce that the “voice mail message” would be stored in a voice mailbox. There is particularly no showing or suggestion in Bruce that the voice mailbox would correspond to a telephone number of a voice mail system associated with the person desiring travel directions. It is evident that the “voice mail message” of Bruce never leaves the operator system where it was

generated, since the user always has the option of returning to the live operator by pressing the "0" key. See col. 10, line 44 and col. 12, lines 20-22. It is actually inherent based upon this fact of the Bruce disclosure that the message is not being recorded into the voice mailbox corresponding to the telephone number of the caller's voicemail service.

In Bruce, after the caller hangs up, there appears to be no way of returning to the travel directions for later review. The "voice mail message" containing the directions is simply not stored. Rather, the caller would need to re-supply all of the addresses again and wait for a new route calculation and interactive "voice mail message" to be created before being able to revisit the driving directions. This would be time consuming, inconvenient and dangerous while driving a vehicle.

#### **The Rejection of Claim 44 in view of Bruce and Barber**

If the Examiner is relying on the combination of Bruce in view of Barber to reject claims 44-48, Barber fails to cure the deficiencies of Bruce. Barber details a system which allows a user to communication with other users with similar interests (e.g. hobbies, sports, movie watchers) on an anonymous basis. The user dials a toll free or pay-per-minute number (col. 3, lines 62-64), and gets authenticated by entering an identification (col. 4, line 6) and a PIN (col. 4, line 15). Once authenticated, the user is greeted by an interactive menu which provides three options, (1) participate in a conversation, (2) create or retrieve messages, or (3) modify the user's record (e.g. identifier, PIN). Col. 4, lines 33-36.

The Examiner alleges that option (2) teaches the deficiency of Bruce. Option (2) is described in col. 6, line 28 through col. 7, line 34. The Examiner makes

reference to col. 6, line 65 through col. 7, line 10. That text is reproduced below:

In another exemplary embodiment of the invention, subscriber can pre-arrange to receive automatically all voice mail messages on a selected topic which are posted to a voice bulletin board" by other subscribers. (The subscriber may restrict delivery to those messages from authors matching a selected profile of characteristics.) At the subscriber's leisure, the subscriber may listen to the messages, delete messages, or respond to the messages. Prearranging to receive messages can be accomplished by providing a field 81 in subscriber record 50 which instructs processor 32 to automatically send messages on a selected interest, such as the interest of interest field 66, to a voice 'mailbox' associated with the subscriber.

Appellant appreciates that the last sentence of the above paragraph does state that the messages of interest (e.g. soccer game comments from persons at least 25 years old) are automatically sent to "a voice 'mailbox' associated with the subscriber." However, the quotes around the word "mailbox" leads one to believe that the term is not be used in its normal context, which is indeed the case at hand. Moreover, there is no teaching that the voice "mailbox" corresponds to the telephone number of the user's voice mail system, as presently recited in Appellant's independent claims.

The Office Action fails to specifically address the "telephone number" limitation, which was a limitation added to each of the independent claims in the Amendment filed September 16, 2005 and argued by the Appellant. A close evaluation of Barber reveals that the voice "mailbox" mentioned in col. 7, line 9 could not possibly correspond to the telephone number of the user's voice mail. Indeed, it must be an interface residing within the Barber chat room system.

As set forth in col. 7, line 5, a user may "respond to messages" in their voice mailbox. If the messages were sent outside the Barber chat room system to the user's voice mailbox associated with the telephone number of the user's voice mail system, the author's identity could no longer be anonymous, while still permitting a



responding feature.

Moreover, Barber directly reveals that the "mailbox" resides within the Barber chat room system. In col. 7, lines 25-28, Barber states that "the subscriber may instruct processor 32 to initiate a telephone call to the author of a particular message. Processor 32 would then access the author's subscriber record (stored in database 30) to whether that author is willing to receive inbound calls." This quote makes it clear that the message interface is occurring within the Barber chat room system. In other words, if the user has a menu option in the voicemail to reply, and activating that option sends a signal to the processor 32 within the Barber system to access a database 30 within the Barber system, then the interface must still be within the Barber system, meaning that the message was never sent outside the Barber system to a voice mailbox corresponding to a "telephone number" of the user.

Hence, the voicemail interface of Barber in this regard is much like Bruce. The information, e.g. travel directions, are not sent to the voice mailbox associated with the telephone number of the user's voice mail system.

The telephone number based user voicemail of the present invention can be quickly and easily accessed multiple times during the course of a trip, usually by pressing one button or a verbal command on a cell phone. Barber would require dialing a toll free number, entering an identification number, entering a PIN, selecting option (2) on the menu, then navigating to the desired stored message on the Barber chat room system. This would not be a convenient or safe procedure to undertake multiple times in order to replay travel directions while driving.

The rejected dependent claims depend either directly or indirectly upon the independent claims addressed above. These dependent claims are patentable for at

least the same reasons as the independent claims, and also for the specific structural features and method steps recited therein.

Accordingly, Appellant respectfully submits that this rejection of claims 44-48 is improper and should be reversed.

Appellant wishes to separately argue that patentability of claims 12-16, 27-30, 35 and 59. Independent claims 12 and 27 additionally recite receiving or accepting "voice mailbox identification information, in the form of a telephone number corresponding to the user's voice mail system." Neither Bruce nor Barber show or suggest receiving or accepting such identification information. The dependent claims 13-16, 28-30, 35 and 59 should also be considered allowable for this reason alone.

#### VIII. CLAIMS

A copy of the claims involved in the present appeal is attached hereto as Appendix A. As indicated above, the claims in Appendix A do include the amendments filed by Appellant on September 16, 2005.

#### IX. EVIDENCE

No evidence pursuant to §§ 1.130, 1.131, or 1.132 or entered by or relied upon by the Examiner is being submitted.

#### X. RELATED PROCEEDINGS

No related proceedings are referenced in Section II, above.

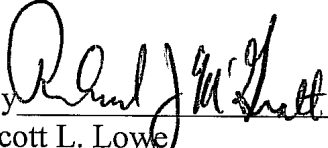
### **CONCLUSION**

Appellant respectfully submits that claims 12-16, 27-30, 35-39 42-59 are patentable over the applied art and that all of the rejections and objections of record should be reversed.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-1602 for any additional fees required under 37 C.F.R. § 1.16 or 1.17, particularly extension of time fees.

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Respectfully submitted,

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## APPENDIX A: CLAIMS

1-11. (Canceled)

12. (Previously Presented) A method for communicating with a voice mailbox comprising the steps of:

receiving an information request and voice mailbox identification information, in the form of a telephone number corresponding to the user's voice mail system, from a wireless portable unit;

accessing an informational database with said information request;

receiving from the informational database, text format information in response to said information request;

processing said text format information with a text-to-voice processor to generate an audio representation of said text format information; and

transmitting said audio representation to a voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable unit.

13. (Previously Presented) The method of claim 12, wherein said information request comprises a plurality of geographic addresses and said text format information comprises driving directions between said addresses.

14. (Original) The method of claim 13, wherein said informational database is a mapping database providing driving directions in response to a query containing a geographic starting and ending point.

15. (Previously Presented) The method of claim 13, wherein said text format information comprises driving directions.

16. (Previously Presented) The method of claim 12, wherein said informational database is Internet-based and is accessed remotely through HTTP emulation.

Claims 17-26. (Canceled)

27. (Previously Presented) A system for communicating with a voice mailbox comprising:

a call center accepting an information request and voice mailbox identification information, in the form of a telephone number corresponding to the user's voice mail system, from a wireless portable unit;

an interface for transmitting the information request to an informational database and for receiving responsive information back from the informational database;

a text-to-voice processor receiving said responsive information in a text format and providing responsive information in a voice format; and

a transmitter for providing said responsive information in the voice format to a voice mailbox identified by said voice mailbox identification information, wherein the voice mailbox is remote from the wireless portable unit.

28. (Previously Presented) The system of claim 27, wherein said interface comprises a computer server.

29. (Previously Presented) The system of claim 28, wherein said call center comprises computer terminals networked to said computer server.

30. (Previously Presented) The system of claim 29, wherein said computer server is Internet-based and is configured to be accessed remotely by said computer terminals.

Claims 31-34. (Canceled).

35. (Previously Presented) The method of claim 12, further comprising the steps of:

recording said audio representation in the voice mailbox; and  
calling the voice mailbox using the wireless portable unit to retrieve the recorded audio representation.

36. (Previously Presented) A method of operating a travel directions information service comprising the steps of:

receiving a voice call from a person desiring travel directions;

having a call taker manually enter first information into a computer program based upon verbal communications from the person calling;

accessing an informational database using at least a portion of the first information;

receiving second information from the informational database; and

transmitting the second information to a voice mailbox corresponding to a telephone number of a voice mail system associated with the person desiring travel directions.

37. (Previously Presented) The method according to claim 36, wherein the first information includes a destination address and a unique identification associated with the person calling or the wireless portable device.

38. (Previously Presented) The method according to claim 36, wherein the first information includes a plurality of geographic addresses and the second information comprises driving directions between the addresses.

39. (Previously Presented) The method according to claim 36, wherein the informational database is a mapping database and the second information includes driving directions.

40-41. (Canceled)

42. (Previously Presented) The method according to claim 36, wherein said step of

accessing the informational database occurs over the internet.

43. (Previously Presented) The method according to claim 36, wherein said step of accessing the informational database occurs over a dedicated data line.

44. (Previously Presented) A system for providing travel directions information comprising:

a telephone to receive a voice call from a person desiring travel directions;

a data processing device for allowing a call taker operating the telephone to manually enter first information based upon verbal communications from the person calling;

a computer program for receiving the first information;

an interface, controlled by the computer program, to send a query to an informational database using at least a portion of the first information and to receive second information from the informational database; and

a transmitter to send the second information to a voice mailbox corresponding to a telephone number of a voice mail system associated with the person desiring travel directions.

45. (Previously Presented) The system according to claim 44, wherein the first information includes a destination address and a unique identification associated with the person calling or the wireless portable device.

46. (Previously Presented) The system according to claim 44, wherein said first



information includes a plurality of geographic addresses and said second information comprises driving directions between said addresses.

47. (Previously Presented) The system according to claim 44, wherein the informational database is a mapping database and said second information includes driving directions.

48. (Previously Presented) The system according to claim 44, wherein said interface is connected to the internet in order to transmit data to, and receive data from, the informational database.

49. (Previously Presented) A method of operating a travel directions information service comprising the steps of:

- receiving first voice information from a person desiring travel directions;
- converting the first voice information into first text information using a voice-to-text processor;
- accessing an informational database using at least a portion of the first text information;
- receiving second text information from the informational database;
- converting the second text information into second voice information using a text-to-voice processor; and
- transmitting the second voice information to a voice mailbox corresponding to a telephone number of a voice mail system associated with the person desiring travel directions.

50. (Previously Presented) The method according to claim 49, wherein the first voice information includes the telephone number associated with the person's voice mailbox.

51. (Previously Presented) The method according to claim 49, wherein the first voice information includes a destination address and a unique identification associated with the person calling or the wireless portable device.

52. (Previously Presented) The method according to claim 49, wherein the first text information includes a plurality of geographic addresses and the second text information comprises driving directions between the addresses.

53. (Previously Presented) The method according to claim 49, wherein the informational database is a mapping database and the second text information includes driving directions.

54. (Previously Presented) The method according to claim 49, wherein said step of accessing the informational database occurs over the internet.

55. (Previously Presented) A system for providing travel directions information comprising:

a telephone answering device to receive a voice call from a person desiring travel directions;

a voice-to-text processor to convert first voice information, stated by the person desiring travel directions, into first text information;

a computer program for receiving the first text information;

an interface, controlled by the computer program, to send a query to an informational database using at least a portion of the first text information and to receive second text information from the informational database;

a text-to-voice processor to convert the second text information into second voice information; and

a transmitter to send the second voice information to a voice mailbox corresponding to a telephone number of a voice mail system associated with the person desiring travel directions.

56. (Previously Presented) The system according to claim 55, wherein the first voice information includes a destination address and a unique identification associated with the person calling or the wireless portable device.

57. (Previously Presented) The system according to claim 55, wherein the first text information includes a plurality of geographic addresses and the second text information comprises driving directions between the addresses.

58. (Previously Presented) The system according to claim 55, wherein said interface is connected to the Internet in order to transmit data to, and receive data from, the informational database.

59. (Previously Presented) The system of claim 27, wherein the wireless portable unit is a cellular phone.

## **APPENDIX B: EVIDENCE**

(None)

### **APPENDIX C: RELATED PROCEEDINGS**

(None)